

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

DARRYL LEE CHERRY, *pro se*)

Plaintiff,)

v.)

UNITED STATES OF AMERICA,)

et al.,)

Defendants)

Civil Action No. 04-292

Judge McLaughlin
Magistrate Judge Baxter

**MOTION FOR ADDITIONAL TIME TO
FILE OBJECTIONS TO MAGISTRATE
REPORT AND RECOMMENDATION**

THE PLAINTIFF, Darryl Lee Cherry, pro se, who respectfully moves the Honorable Court for additional time to submit his Objections to the Magistrate's Report and Recommendation filed in the above captioned cause on February 23, 2006. In support thereof, Cherry would respectfully present the following.

The Plaintiff is an inmate presently confined at the Federal Correctional Institution McKean, who is also suffering from several life threatening illnesses, in which he is now scheduled to be transferred to one of Federal Bureau of Prisons Medical Facilities, and is currently under medical convalescent and practically bed ridden and unable to walk. Plaintiff's health is drastically deteriorating, therefore, making a medical transfer imminent at this time.


Pursuant to 28 U.S.C. § 636(b)(1)(B), provides Plaintiff with 10 days after being served with the Magistrate's Report and Recommendation to file his written objections to such proposed findings. However, in the instant case, due to Plaintiff's failing health, and upcoming transfer to a medical facility, he is respectfully asking the Court to grant him an additional 30 days, with the allowable 10 days to include April 3, 2006, to submit his objections.

WHEREFORE, the Plaintiff respectfully prays the Court will grant him additional time to file his Objections to the Magistrate Judges Report and Recommendation to include April 3, 2006. This motion is brought in good faith

and for a just cause. 28 U.S.C. § 1746.

Respectfully submitted,

Dated: 2/27/06


DARRYL LEE CHERRY, pro se
Federal Register No. 07928-078
Federal Correctional Institution
P.O. Box 8000
Bradford, Pennsylvania 16701

CERTIFICATE OF SERVICE

This is to certify that I have mailed a true and correct copy of this motion to Ms. Christy Wiegand, AUSA, U.S. Attorney's Office, U.S. Courthouse & Post Office, 700 Grant Street, Suite 4000, Pittsburgh, Pennsylvania 15219, first class mail, postage prepaid on this 27 day of February, 2006.


DARRYL LEE CHERRY, pro se